

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Christopher J Shock,
Lorrie J Shock,

DEBTORS.

CHAPTER 13
CASE NO. 17-42481-MBM
JUDGE MARCI B. MCIVOR

**TRUSTEE'S OBJECTION TO NOTICE OF PROPOSED CHAPTER 13 POST
CONFIRMATION PLAN MODIFICATION**

Debtors, Christopher and Lorrie Shock, have filed a Notice of Proposed Chapter 13 Post Confirmation Plan Modification. A review of Debtors' Modification raises the following concerns regarding compliance with 11 U.S.C. Section 1325 and 11 U.S.C. Section 1329:

1. Debtors' Modification seeks to reduce the dividend to unsecured creditors from 100% to a base dividend of 0%. Debtors' basis for this modification is that on August 22, 2017, Ford Motor Credit Company filed an unsecured deficiency claim for a loan secured by a 2015 Ford Focus.

2. Debtors' Modification does not allege any change in circumstances warranting modification of Debtors' Chapter 13 Plan. Prior to confirmation of Debtors' Chapter 13 Plan, Creditor, Ford Motor Credit Company had filed a secured claim for the 2015 Focus, which clearly indicated that the value of the vehicle was significantly less than total amount of the debt. Debtors' Chapter 13 Plan proposed to surrender this vehicle which, necessarily, would produce a deficiency balance of approximately the amount stated in the proof of claim.

3. The proof of claim estimated the deficiency balance owing on this claim at \$11,106.00. Although the actual amount of the deficiency claim is slightly higher at \$14,676.37, this deficiency claim is not materially different than the estimated deficiency claim known to all parties before confirmation of Debtors' Chapter 13 Plan. Accordingly, Debtors' Modification does not allege any change in circumstances warranting the granting of the requested relief as required by 11 U.S.C. Section 1325 and 11 U.S.C. Section 1329.

4. Although Debtors' Modification seeks to reduce the dividend to Class 9 general unsecured creditors below 100%, Debtors' Plan does not contribute 100% of Debtors' disposable income as required by 11 U.S.C. Section 1325 and 11 U.S.C. Section 1329. Debtors' Modification proposes to leave Debtors' Chapter 13 Plan payment at \$506.00 per month, while Debtors' Schedule J indicates that Debtors have monthly disposable income of \$1,350.00 per month. Accordingly, Debtors' Modification does not comply with 11 U.S.C. Section 1325 or 11 U.S.C. Section 1329.

5. Debtors' Modification also would permit Debtors to retain a 2002 Fifth Wheel Travel Trailer with a monthly payment of \$440.00 plus "storage rent for trailer" of \$185.00 for a total cost of \$625.00 per month. Debtors' Modification does not indicate why it is reasonably necessary in a case where Debtors are not paying a 100% dividend to unsecured creditors that Debtors should be permitted to retain a 2002 Fifth Wheel Travel Trailer with a monthly expense of \$625.00. Accordingly, Debtors' Modification does not comply with 11 U.S.C. Section 1325 or 11 U.S.C. Section 1329.

6. Although Debtors' Modification seeks to reduce the dividend to general unsecured creditors to less than 100% of allowed claims, Debtors' Modification does not increase the Plan funding at the termination of Debtors' obligation to Ally Bank secured by Debtors' 2014 Ford F150; the obligation to Christian Financial secured by Debtors' Town and Country automobile; or the obligation to Christian Financial secured by Debtors' Fifth Wheel Travel Trailer; all as required by 11 U.S.C. Section 1325 and 11 U.S.C. Section 1329.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Court review the debtors' proposed Plan Modification to determine compliance with 11 U.S.C. Section 1325 and 11 U.S.C. Section 1329 and enter such Orders as the Court deems just and appropriate under the circumstances.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: September 21, 2017

By: /s/ Thomas D. DeCarlo

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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO NOTICE OF
PROPOSED CHAPTER 13 POST CONFIRMATION PLAN MODIFICATION**

I hereby certify that on September 21, 2017, electronically filed the TRUSTEE'S OBJECTION TO NOTICE OF PROPOSED CHAPTER 13 POST CONFIRMATION PLAN MODIFICATION with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

GERALD L DECKER
16931 19 MILE ROAD
SUITE 100
CLINTON TOWNSHIP, MI 48038-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Christopher J Shock
Lorrie J Shock
21125 Winkel St.
Saint Clair Shores, MI 48081-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin,
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
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